

## **COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS**

**August 21, 2001**

**4:30 PM**

Chairman Gatsas called the meeting to order.

The Clerk called the roll.

Present: Aldermen Gatsas, Pariseau, Thibault, Hirschmann (late) and O'Neil

Messrs: D. Prew, Deputy Solicitor Arnold, Chief Driscoll, Deputy Chief Robinson, Sgt. Disabato, Aldermen Lopez, Vaillancourt and Shea, S. Tellier

Chairman Gatsas stated we will move Item 3 to the end of the agenda.

Chairman Gatsas addressed Item 5 of the agenda:

Communication from Edward George, President/CEO of the Manchester Community Health Center seeking permission to link to the City's website and using the City's graphic logo.

Alderman O'Neil asked can we hear from Diane Prew on that please. Diane, do you have any problem with this?

Ms. Prew replied no. From a practical standpoint, anyone really can link to the City's website. There is no control of that. We have no way of knowing who is linking to our website. I think perhaps the question is on using the City's graphic logo. What is that going to be? Is it going to be the City seal? Is it going to be something associated with the website?

Alderman Pariseau asked they want to use our logo. Is that legal?

Deputy Solicitor Arnold stated it depends on what they mean by logo. If they mean the City seal there is an ordinance against that, 11.01. If they are speaking, for instance, of a logo that shows the City Hall spire then that might be permitted but there is an ordinance regarding the City seal.

Chairman Gatsas asked if Mr. George was present. He was not.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to table this item pending further information from Diane Prew.

Chairman Gatsas addressed Item 6 of the agenda:

Communication from Jonathan Hallet seeking permission to operate his hot

dog cart in front of the North End Laundry on Elm Street from 8:00 PM until 2:00 AM.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to approve the request.

Chairman Gatsas addressed Item 7 of the agenda:

Copies of communications addressed to Alderman Levasseur from Attorney Ross, Mitchell Sawaya and Raymond Dugdale relative to parking problems, noise, litter and other nuisances by patrons of the Strange Brew Tavern located at 88 Market Street.

Alderman Pariseau stated I think we ought to refer this to the State Liquor Commission. I don't know what else we can do other than get a hold of the people who own Strange Brew and ask them to keep things down to a roar.

Chairman Gatsas stated I see Chief Driscoll here and Atty. Ross and the owners from the Strange Brew.

Alderman Thibault asked, Chief Driscoll, have there been any major problems there such as fights.

Chief Driscoll answered the Strange Brew does create challenges for both us and the folks living in and around that neighborhood. We have worked with the owners and tried to work with the neighbors. I think everyone wants to see that issue resolved. I am not sure that I have an answer for you. It is a club and I am sure everyone knows where it is. It is at 77 Market Street. It is surrounded by both business and rooming houses that are impacted in the evening and in the wee hours by that location, however, I would say that the owner there has been as responsible as possible in working with us. There are continued issues there. There are some restrictions that have been placed on that license in an attempt to resolve it and make it somewhat of an amicable situation for everybody there. I don't have a magic wand and I am not sure I have a solution but I think it is going to take both parties working very hard to try to co-exist there and understand the

other's issues. Perhaps Deputy Robinson who has worked more closely than I with both of these parties can shed some light on it also.

Alderman Pariseau asked do you have any number of calls that were made regarding the Strange Brew.

Chief Driscoll answered I can't give you statistics at this moment. There is a rooming house directly across from there that calls the Police Department quite often. When people leave that establishment in the wee hours of the morning, certainly they make a certain amount of noise. We have tried to work with them. We do have a police officer on duty there. I don't specifically have a number for you though of complaints.

Deputy Chief Robinson stated you were just handed a memo dated July 5 that I sent to Matt Normand. This was as a result of continuing complaints that we had received about the Strange Brew Tavern. I think from this July 5 memorandum that I sent, I believe the conditions were placed upon their license and this precipitated a letter from the owner of Strange Brew and I think if you check the dates some of the statements that he made in his letter precipitated the letter from Attorney Ross. We are presently waiting to set-up a meeting with the owner of Strange Brew. That meeting will be between myself, Sgt. Mike Disabato of our Community Policing Unit who, again, sent me a lot of the literature that precipitated this memo dated July 5 that I sent to ask for conditions to be put on. I would also point out that most of these conditions that you see on there are the same conditions that we have on about 90% of our nightclubs and lounges out there. This isn't something new or special that was directed towards Strange Brew. As a nightclub comes into place I don't automatically put conditions on them. I let them stand on their own two feet but as we start getting complaints I do then go ahead and ask for these conditions to be placed on it unless there is already a history there. The owner has been receptive to it. He has worked with us. He is in the middle of a residential area and also in the middle of a business area. He is trying to co-exist there. We feel that he is working with us. At the same time we are holding his feet to the fire to make sure that in fact things are done properly and that we address the concerns of the neighbors.

Alderman Thibault stated I just want to know if in fact...you said these people are working with you. Do you feel there is a way of compromising this and getting to a solution?

Deputy Chief Robinson replied yes I do. There have been other businesses similar there in the past and we have been able to work with them and make people happy. As long as people are being reasonable and I certainly think Atty. Ross is being reasonable in some of the requests he is making. They want to be able to

live there and not put up with a continuation of problems. I am not trying to talk for him but again we are trying to listen to the neighbors and work with the businessmen. That is what community policing is all about and we certainly feel we can do that but we feel at this point that we do need a meeting with the owners of the Strange Brew to listen to them and have them listen to us on what the concerns are. We think we have a handle on this. We think it is working okay, but we also think it is something that we are going to have to stay on top of.

Chairman Gatsas asked have you ever put these conditions on anybody else's license in the last 45 years at that location.

Deputy Chief Robinson answered no. I can't remember doing that to other people but I am not sure who has been there and I would have to go through my files to know for sure.

Chairman Gatsas asked do you want me to go through the list because I can probably tell you who was there. The 88 Restaurant was there and after that was Heaven and after that there was a Tex Mex place.

Deputy Chief Robinson answered I don't think any of them lasted much more than a year.

Chairman Gatsas stated I think the 88 did.

Deputy Chief Robinson replied I am talking after that. I absolutely remember the 88.

Chief Driscoll stated over the last 20 to 25 years there have probably been a half a dozen or more restaurants in there and depending on what type of clientele they attract depends on how many complaints the police get and how often we respond.

Chairman Gatsas replied I think Alderman Pariseau already asked have you had complaints other than...I am looking at these and it looks like most of the complaints are day time.

Chief Driscoll responded no. We have complaints in the wee hours. We have parking complaints. There are complaints about trash being left in the alleys. That place attracts a lot of people.

Chairman Gatsas asked have you been reporting those complaints about trash in the alleys to the Highway Department.

Chief Driscoll answered no we have been working with the owner to make him more responsible. I don't think it is the Highway Department's responsibility to go down there and pick up...

Chairman Gatsas interjected I didn't finish the question. I think the statement I was making was have you reported it to the Highway Department because obviously they have the ability to put fines on the garbage situation. Are they aware? Is there a dumpster there? Is the City picking up the garbage?

Deputy Chief Robinson stated I think most of the complaints are people leaving there at nighttime and leaving their trash behind. They leave beer bottles and the owners have so many hours after they close to pick up the immediate area and to the best of my knowledge they have been doing that.

Chairman Gatsas asked are you telling me that one of your fine officers that may be on duty there on Thursday, Friday or Saturday is letting people walk out with liquor.

Chief Driscoll answered no, certainly not.

Chairman Gatsas replied I was just checking because I don't know how the beer bottle would get outside.

Chief Driscoll stated a lot of people arrive with alcohol in their cars, Sir.

Alderman Pariseau stated, Chief, you mentioned that a number of the complaints are from somebody at the boarding house or rooming house. Is that because the person just recently moved there?

Chief Driscoll replied I don't know how long the person has lived there but in the good weather perhaps the people have their windows open and as that club gets out in the evening there might be some boisterous people. For awhile there were complaints about motorcycle noise and I think that we have done the very best we can to address that. Have we completely resolved it, no but there is a woman who lives directly across from there who is in contact with the Police Department frequently and she has presented us with petitions and so forth and we have worked as best we can to keep her and the other residents of that establishment happy.

Deputy Chief Robinson stated we have also had neighborhood meetings there. I know that Sgt. Disabato attended those. We have met with the neighbors and business people there in reference to their complaints about this business and that is what precipitated the letter.

Alderman Pariseau asked do you think that the activity at the Strange Brew is any different or any worse than other clubs in the City.

Chief Driscoll answered no it is probably about the same, just in a different location.

Alderman Hirschmann asked are they, in fact, different than any other clubs. Now they are not on Elm Street and I can tell you that the Elm Street clubs probably have a lot more noise and lot more occasions of loitering and problems and a lot more trash. What I think is going on in this particular case, Mr. Chairman, is we are in the middle of a dispute between one individual and another. Quite frankly, one tenant who lives next door to this facility is irate with the enterprise for whatever reason. I personally have gone to the Strange Brew Tavern on many occasions and I tell you that state representatives dine in there and MSNBC was there for the Presidential debate. Manchester had national recognition from the Strange Brew Tavern live. This isn't the first year that this business has been open. They have been open for quite awhile. There was an application through Intown Manchester to close that alley and make it a nice veranda where people could sit outside like they do on Elm Street and drink wine and do whatever they want to do and one of the neighbors didn't like that and blocked it because they don't want that outside. What I am going to tell you is that I looked at the parking spaces outside the Tavern and I don't know whose they are but I think they are illegal. They are right in the alley. I don't even know if a firetruck can fit in that alley if those cars are parked in those spaces and this all seems to be about parking and about a nightclub that is a restaurant actually trying to do its business. We are right in the middle of someone's problem and I don't think that these stipulations are anything that the Black Brimmer or any of the other reputable businesses on Elm Street...this shouldn't happen. We should be able to deal with this without having these conditions on their license.

Alderman O'Neil stated we do not run into a bar in a neighborhood very often. Usually they are in commercial areas. The last time we had a major problem with this it got completely out of hand over on Second Street and it took a lot of work by the City to finally close that place down. What went on in the Coliseum affected the neighborhood from parking to people drinking out in the front to people urinating. All I am going to say to all parties here is address this. It shouldn't be back here again. If there is illegal parking, the cars should be ticketed. If there are garbage problems, Highway should be enforcing that. I would request that the owners try to control their customers the best they can leaving the premises.

Alderman Thibault stated I would think that the biggest problem here seems to be that the Police feel they have a handle on it and I would like to ask the owners to do the best they can and help to minimize the situation. I think that we can get to a compromise here that is going to be livable and that is what I would like to see them do. I would like to see the owners get involved more than they are. As I understand it, they are very involved now but I would like to see them more involved and as Alderman Hirschmann was saying if people are doing things illegal there that should be taken care of and I think that will minimize your problems. Whatever you can do in that respect, don't let this come back to this Committee.

Alderman Lopez stated I would like to ask one question and I don't know if Attorney Ross is going to speak or not but do you have a lot of problems in that area with motorcycles.

Chief Driscoll replied motorcycles were part of the problem there six months ago. I don't know if it as much of a problem now. I don't think they are but I would say, going back to what Alderman Hirschmann said, this is a problem about location.

Alderman Lopez stated CPA Ray Dugdale has indicated that a lot of motorcycles park on their property and stuff like that and the police officers don't remove them. Do you know anything about that?

Sgt. Disabato replied yes. That is in the alley and there was some confusion about who actually owned the property and the two parking spaces by Landmark Title. After talking with Tom Lolicata, there is no parking of any vehicle in that back street so the motorcycles are parked right up against the building and no firetrucks or anybody could go by. We researched it and found out that it is illegal to park there. Now regarding the two parking spaces next to the building that you were talking about, I have talked to Highway and the Traffic Department and that is part of the building and they own that property and that is why they have those parking spaces there.

Alderman Hirschmann responded they may own the land that abuts that building, but that doesn't make them legal parking spaces. Unless they go for a variance...you can't make a driveway anywhere you want just because you own property. If we can't get a firetruck through there then those cars shouldn't be there and unless they apply to make those legal parking spaces then they are there illegally.

Sgt. Disabato replied it is my understanding that those parking spaces are legal. I can investigate that further but actually we ran into enforcement problems with

parking in the alley because there is one ordinance that says you can park in an alley as long as you leave a 10' width and that is superceded by the 1948 ordinance, which stipulates that there is no parking in any back street from Prospect to Auburn and from Pine to the river so long as it is posted. That is what we are going by now and we just have to make sure that signs are posted to alleviate having motorcycles parking up against the building because it was blocking the alleyway.

Chief Driscoll asked is that an ongoing problem or has that been resolved.

Sgt. Disabato answered the motorcycles are no longer being parked there because it is illegal.

Alderman Lopez asked if an off-duty officer is there as security for the establishment and somebody walks up to him and says I want those motorcycles out of my parking lot does he do that.

Chief Driscoll answered absolutely. If he didn't do that he would contact a route officer depending on what his responsibilities were inside but he would certainly address that.

Sgt. Disabato stated I would like to add a comment about the trash and the Highway Department. The basic problem is that there were complaints from residents from the building across the street and another building further down. A lot of people didn't want to get involved because they have been working with the owner but like the Chief stated beer bottles were being left under their cars and trash and that type of thing. It is not something where the Highway Department would come up and take care of the dumpster. This is trash and stuff that is being left in the vicinity from the club and that is why we requested that they police the area as well.

Alderman Hirschmann asked do you currently have a policeman at the door.

Sgt. Disabato answered no all nights but some nights. It is a detail that the Strange Brew hires.

Alderman Hirschmann stated then he wouldn't allow any beer bottles going out of the building.

Sgt. Disabato replied that is correct but like stated earlier people arrive and drink in their cars and park down in the back alley.

Alderman Hirschmann responded but those are patrons. It is not from the establishment.

Sgt. Disabato replied no but they are there going to visit the establishment.

Alderman Hirschmann stated so if someone has beer in their car and leaves it on the sidewalk and then goes into the Strange Brew Tavern, how does that become the Strange Brew Tavern's problem.

Chief Driscoll responded certainly it is part and parcel.

Chairman Gatsas stated let's at least understand that unless somebody can say they saw somebody put a beer bottle outside their car and walk from their car into the Strange Brew let's not make that assumption because that is a bad assumption. That could be somebody from Boston coming up and parking their car and drinking their beer and leaving their bottles there and driving away without ever going into the Strange Brew. Let's not make the assumption that just because there are better bottles there that those people are going in, unless somebody is seeing them and if somebody has seen them then I would assume they would have been arrested for littering.

Chief Driscoll stated we are kind of focusing on beer bottles but I guess what we would like you to focus on is the total impact of that establishment and our belief that both sides, as has been previously said here, have to work together if they are going to co-exist.

Chairman Gatsas called on Attorney Ross to come forward.

Attorney Cliff Ross stated I appreciate the opportunity to talk briefly to you about the situation. My wife and I live at 69 Middle Street. We have owned the building for close to 25 years jointly with Raymond Cloutier and we have been there while there have been a succession of restaurants and in the past we had no problems with any of them. Our building has had tenants for approximately 150 years consecutively. The neighborhood involves several abutters. It has been said that it is primarily a fight between two parties, presumably me and the owner of Strange Brew but all of the abutters complain about the situation, specifically Doug Gherlone who owns the rooming house directly across Market Street. He called me up the other day and I went to see him and he showed me where somebody had thrown a beer bottle through his window that landed inside. Now he didn't see who threw it but he has his opinions. The people in the home are transient people. I went there and I was told that everybody in that place and there are a lot of children there, complain about the noise and the altercations that go on but the owners are reluctant to make a formal complaint because they told me that

the owner of Strange Brew has done good things for them and they don't want to speak against him as opposed to the tenants. The occupants of the Old Carpenter Hotel have made complaints in great quantity about the noise and what goes on at this location. We were about the last people to complain because we always got along with the people at that location. In fact, my wife and I patronized it and I patronized it quite regularly but there was an effort made here to bring motorcycles to that location. They have a right to solicit motorcycle business but they had a Harley inside the place and signs on both sides of the entrance saying "Parking for Harley's Only." Those signs have since been taken down but the problem that we have is not the beer bottles as far as we are concerned. I pick them up by the score. I don't know who throws them there but I have an idea. The beer bottles don't bother us. I just pick them up and throw them in the ash can but the vandalism bothers us. There is vandalism going on. We had a battery stolen out of our car in our parking space. Above all, it is the noise primarily from motorcycles that wake us up every night. Every night at about 1:00 or 1:30 AM there are one or more motorcycles and sometimes many of them taking off and they don't just start the motorcycle and ride away. There is a revving and we have made inquiries as to whether revving is necessary and we are told that it isn't really that necessary. The motorcycles are Harleys and they don't seem to be muffled. When we get to sleep another motorcycle wakes us up. If anything could be done about the motorcycles, it would be a great help. There was a meeting scheduled at the Police Station. We went and others went but the owner did not go. That is his choice. We tried to work out the situation. It has gotten better. The owner has hired somebody who sits outside on many nights and tells people who park in our spaces to move their cars. We appreciate that. That is an improvement. We would like to see other improvements, particularly the vandalism and the motorcycles and the large groups of young people that come out and congregate in the parking space in front of our building at 1 AM or 2 AM and yell and carouse and do other things that I won't mention. The police come promptly and break it up and the police have shown an increased presence in the area that we deeply appreciate. This isn't one against one. All of the abutters join in an effort to try to do something about the noise and the vandalism and the foul language. Anything that you or the owner could do would be deeply appreciated. Thank you very much.

Alderman Pariseau asked do you think further discussions with the owner would help the situation.

Atty. Ross answered I do. When the owner came in he and I were friends and we spoke on many occasions and I liked him and I still like him but the problem that I have is in a letter that I have here from him he says that the percentage of motorcycle trade is 3% out of 100% and diminishing. That is on Page 2 of his letter. He says in the same letter that if he were given permission to have his

outdoor garden there would be no motorcycles so it seems to me that he is not intent on having motorcycles there because he does very well without them and good luck to him. If they only represent 3% of his business and if he really doesn't need them, anything he could do about the noise that they create would really be a help to all of us.

Alderman Pariseau moved to table this item and have the owners and abutters continue their dialogue and report back to the Committee.

Chairman Gatsas answered I don't have a problem with that motion as long as...do the owners have anything to say.

Atty. Paul Kfoury stated I am an attorney here in the City and I represent Mitchell Sawaya who owns the Strange Brew Tavern. Mr. Sawaya would like to say a few words.

Mr. Mitchell Sawaya stated as I listen to some of the things you are discussing one of the things that concern me is the discussion about the meeting that my neighbors had with the police. I need to be very clear on the fact that I wasn't invited to that meeting so I didn't attend not because I chose not to. I have been trying to do everything that I can to work with the neighbors and the police. I have no problem with the stipulations that were put on the license except that they were things that we were already doing. We decided back last November to have a detail on because we thought it would be a good way to show the neighbors that we were trying to work with them. We started on our own to police the neighborhood for trash. Again, we can get into this issue about whose trash is it and are they beer bottles or whatever but I don't think that is the point. If there is trash around the building we would rather have the area look good. It is better for our business if the area does look good so we have no problem with that sort of thing. My concern is when I start to hear things about the vandalism and the motorcycles. The point I was making about 3% of my business being motorcycle business was this is the heat of the summer and in the heat of the summer 3% of the people who come to my place come on motorcycles. I don't think that is something that I want to discourage. What I meant by the motorcycles won't come if we open a courtyard wasn't that they wouldn't come but that they wouldn't be parked in that alley but on the street. I think that would take care of some of the problem. I don't think 3% of my customer base is a significant amount. I also don't think there is much we can do about controlling the noise. I know that the detail officer when he is on asks people to move on whether it is motorcycles or whatever but if the issue is that these are motorcycles that aren't legal, then that is a whole different subject that I don't know how to address. This loud pipe issue is one that is very difficult for me to solve.

Alderman Thibault duly seconded the motion to table this item.

Chairman Gatsas asked did you understand where Alderman Pariseau was coming from in asking that you and the abutters get together to work this out.

Mr. Sawaya answered I have no problem with that.

Chairman Gatsas called for a vote on the motion. There being none opposed, the motion carried.

Chairman Gatsas addressed Item 8 of the agenda:

Communication from Rabbi Jacob Rosner requesting a change in the City's Charter to avoid having an Election Day on a Jewish Holiday in the future.

Clerk Bernier stated if you recall at the last Board meeting that issue was brought up and Alderman Wihby asked me to look at this and make it a Charter amendment and put it on the ballot at the next election. My recommendation would be to receive and file this item.

On motion of Alderman Pariseau, duly seconded by Alderman O'Neil, it was voted to receive and file this item.

Chairman Gatsas addressed Item 9 of the agenda:

Copy of a communication addressed to Alderman Hirschmann from Francis

White of the Oak Brook Association Management seeking relief to taxpayer/ owners of many condominium units as it relates to pickup and disposal of residential trash.

Alderman Pariseau moved to receive and file this item. Alderman Thibault duly seconded the motion.

Alderman O'Neil asked am I correct to say that if they put it out on the curb we are responsible for picking it up.

Chairman Gatsas answered that is true.

Alderman Hirschmann stated what the letter addressed was in the past they were given credit for pickup and somehow they lost their credit. Can someone address the history of that and what happened and why it has been changed so that these people understand what policies are in place?

Chairman Gatsas replied I talked with Frank Thomas a little while ago and have gave me some information. It says the Highway Department will collect refuse placed in public right-of-ways in confirmation with department regulations. Condominiums are usually constructed with roadways that are private and non-conforming with City standards. I believe the selling prices of condominiums and assessments reflect the fact that they are located on private roadways and many services must be covered privately through the associations. I think that what he is saying here is that if we start doing this the cost to the City is going to escalate.

Alderman Thibault asked what is to stop other condominium associations from asking for the same thing.

Chairman Gatsas answered right.

Alderman Hirschmann asked if these people put their trash out on the sidewalk it is going to be picked up.

Chairman Gatsas answered I think if it is put in the containers that it needs to be put into to be collected I believe they have to be picked up. It has to be put in a public way.

Alderman Hirschmann stated the point is this condominium association has approved City streets and they are all wide enough to put trash out and if they wanted to put green bags out on the curb they all can. They were doing this in a more organized fashion but I don't think they can afford to do it anymore and that is why they are asking the City what happened to their condo credit. I never heard of condo credits and that is why I referred it here. I thought somebody who had been here for 20 years or so would know.

On motion of Alderman Pariseau, duly seconded by Alderman Hirschmann, it was voted to refer this communication to the Highway Department.

Chairman Gatsas addressed Item 10 of the agenda

Discussion relative to a proposed increase in the Elderly Tax Exemption Program.

Alderman Pariseau stated while we are on the Elderly Tax Exemption could we also see if something could be done with a disabled exemption. I don't know how that would negatively impact the tax base but people my age who do have a handicap and are unable to work and on Social Security have the same problems as the elderly do. I would like to see if we could get them included somehow.

Chairman Gatsas asked, Steve, do you have something currently on the books on that.

Mr. Tellier answered there is a law currently on the books to assist the handicapped with respect to additional monies they have to put into their home. Say somebody needs a chairlift or if they are wheelchair bound, those values are deducted but with respect to just a general disability, there isn't anything statutorily set-up for that at this time although there is legislation that is usually submitted yearly on different avenues of assisting generally disabled people, either by percentages or different things but at present there is nothing there.

Alderman Pariseau asked where is that in Concord.

Mr. Tellier answered yes.

Alderman Pariseau asked the City currently doesn't have the option of allowing disability exemptions.

Mr. Tellier answered no. If it is not on the books you can't create it.

Alderman Pariseau asked when was the last time it was on the books in Concord.

Mr. Tellier answered it has never been. There is a method of deducting enhancements to people's homes. Say they put in a ramp...

Alderman Pariseau interjected I understood that but you said on occasion there is legislation available that allows...

Mr. Tellier interjected no that has been submitted but it has never been passed into law. There is legislation that we are aware of that is annually submitted by different legislators to try to support that idea. Usually it fails on cost issues.

Alderman Pariseau asked what do you mean cost issues.

Mr. Tellier answered that means the cost to the tax base and what it would cost to deduct those further exemptions from a town's taxable income.

Alderman Pariseau asked do we have a number of disabled citizens in Manchester.

Mr. Tellier answered I am sure we do. We entertain phone calls monthly from handicapped citizens who ask about that and we direct them to the statutory programs that are available, whether they be the elderly deferral or the

handicapped exemptions, which is the deduction of real property enhancements. There are also hardship possibilities, which is usually a one-time issue. There are some circuit breakers out there that will help people but they are limited at this time.

Alderman Thibault asked are you saying that before the City could ever do something like this it has to pass the Legislature in Concord.

Mr. Tellier answered yes that is what I am saying.

Chairman Gatsas stated I am looking at the and obviously you have two pages here but does the Committee want the Assessor to go through this?

Mr. Tellier replied I could go through the handout in a couple of minutes. On the first page, Concord was included as to what their criteria is and Salem for informational purposes, however, our Board was directed to look primarily at Nashua's exemptions, which you can see shaded there. You will see three columns for Nashua because they changed their criteria three times. In 1992 they changed it because it was a revaluation year. In 1998 they changed it because it was a statute change. Previously Social Security was excluded as an income, but that was prohibitive to civil servants whose pension was included as income so they just included everything and what happened is they changed their asset limits to provide for that as did Manchester as well. In 1998 they did an assessment update so they changed their exemption criteria again. That is the reasoning behind the three date changes and the three changes to Nashua's information there. Going down on the left-hand column you can see that you have assets and different towns and different years. You have your single income and joint income. Then you have your age-based exemptions. The first tier is 65 to 74. I have included the count of people who receive those exemptions from those different communities. Then your NET AV, which stands for Assessed Valuation. That is the total of that tier. Then there is the Gross AV reduction and that is the gross amount that is deducted from your assessment roles and then you go to 75-79 and 80+. You then get down to the fixed and those are people who share life tenancy or different issues. They have a statutory provision that allows them to enjoy a portion of the exemption that they are statutorily entitled to. Then there is the Total Count, the NET Total Assessed Valuation Reduction, which is in a bold line at the bottom and then it is a percentage. I have reduced it to a percentage to assist the Committee in seeing how generous or not different communities are. Then there is your NET Assessed Valuation, which is used to calculate the tax rate. The rate is included in the second to last line and then the Equalization Ratio. In the last column going down from the top, I labeled it Scenario I and I was using Nashua's exemption amount to calculate what the tax rate impact or the valuation impact would be with the new revaluation numbers. At the very bottom on the

right towards the fourth to last row, you will see \$111,220,000. That is if everyone was funded at 100% of what their entitled amount would be. So, if somebody was getting a \$120,000 exemption and their house was at \$130,000, they would pay taxes on only that \$10,000 but if their house was assessed at \$110,000 they would have a \$10,000 remaining balance. It is used/unused. For purposes of looking at an impact to the tax rate, we have rounded that up to about \$120 million because it was our estimation or our understanding that the Mayor and Board of Aldermen wanted to be a little more generous with the elderly exemptions. What we calculated was the asset limits increased to \$50,000, the income from single...

Chairman Gatsas interjected let's stop right there. Let's talk about the asset limit for one second. For somebody to own a home and merely have an asset limit of \$50,000, that would be...let's assume they own a car that is \$10,000 and let's assume they own their own furnishings, that is another \$15,00 and that totals \$25,000. You have to believe they have \$25,000 in the bank. I don't know how many seniors could possibly own their home and pay taxes if their asset limit is only \$50,000. I am looking at these exemptions and I am saying that is...I look at that number and say we have 1,031 or 1,037 people now applying and with Nashua's numbers being at \$75,000 for an asset limit they only have 873 people. Is that because people in Manchester are more aware?

Mr. Tellier replied in our review it appears that Manchester has usually been more generous over the years. I can't really comment on Nashua's elderly base but those are actual numbers that I was able to get.

Chairman Gatsas responded you can't say we are more generous because the numbers in Nashua are more generous.

Mr. Tellier replied well they didn't use to be. They are now as a result of 1998 when they increased quite a bit. They did it in three tiers.

Chairman Gatsas stated I am looking at 1992 compared to our 1991. They were at \$50,000 and we were at \$35,000.

Mr. Tellier replied right but the income was at \$10,000 and \$12,000.

Chairman Gatsas responded so were ours in 1991. We weren't any more generous.

Alderman Vaillancourt stated as I understand it, the asset limit includes...you referred to a car and house furnishings.

Mr. Tellier replied yes and antiques, stocks, bonds, and collectibles.

Alderman Vaillancourt asked so the only thing it doesn't include is your house, itself.

Mr. Tellier answered it excludes the primary residence, that is correct.

Alderman Vaillancourt stated we might be able to consider excluding the furnishings and the car.

Mr. Tellier replied you can't do that, Alderman, because it is statutorily applied, however, it has been our experience that for the most part most of the people who are applying for this aren't driving around in Mercedes so the value of their automobiles is minimal and the value of their furnishings and the other stuff they have are usually not significant. The remaining balance is whatever their assets are in the bank or their stocks, bonds or other financial holdings.

Alderman Lopez stated I am certainly inclined to agree with the Chairman to a degree here but also antiques, furniture, jewelry, savings accounts, checking accounts, stock and bonds are all included. I guess maybe my first question is originally when we talked about this a suggestion was made for \$75,000 and now you have come down to \$50,000. Can you tell me why?

Mr. Tellier replied we are not making a suggestion either way. I just put that on there because Nashua's was used as a benchmark and that is what their asset limit is. If it is the will of this Board to go to \$75,000 then that is what we will do. This is enabled by the Board of Mayor and Aldermen.

Alderman Lopez responded I realize that but I am talking about the original paperwork that we received which had \$75,000, which was a proposal that you submitted to us.

Chairman Gatsas stated I believe that is what I asked.

Alderman Lopez stated I was wondering why you went back to \$50,000.

Mr. Tellier replied I don't know. We can go to \$75,000 and that is not really a problem either way.

Alderman Hirschmann asked can we discuss age because you have three age brackets.

Mr. Tellier answered those are stipulated by statute.

Alderman Hirschmann asked can you discuss those just briefly. It starts at age 65. Are they different percentages?

Mr. Tellier answered generally you will see that the upper tiers are getting larger because people's life spans are getting longer. There is better medicine and better health out there. People are taking better care of themselves with exercise and that type of thing so that people's life spans are getting longer. That is part of the reason why the upper tiers are going up.

Alderman Hirschmann replied I just wanted you to comment on the ages and when does someone qualify for this.

Mr. Tellier responded what I would ask you to do is to take a look at the second page. I broke this down into numbers that are easily identifiable. There is the old valuation where \$107,000 was the average single family residential assessment. Presently we feel that between \$140,000 and \$147,000 is the average area and I put down the higher amount. Last year's tax rate was \$30.68 and we anticipate the new one to be \$23.39. The tax amounts are self-explanatory and the age tiers are self-explanatory in what the old and the new benefits would be. If you go to the tax deduction that is the second column from the right. In last year's exemption benefit amount it was 690.30, 1,380.60 and 2,761.20 in the different tiers. It equated to 21%, 42% and 84%. A tax savings on their tax bills. In this scenario I think the City is doing a better job of front loading because it increases it up to 47%, 64% and if we are going to create the same level I would recommend going from \$120,000 to probably \$125,000 on the third tier exemption to bring it up to about an 84% benefit.

Alderman Shea stated I am not sure if this is relevant but anyone 80 years old are they automatically given this.

Mr. Tellier replied no they still have to qualify. It is not aged based. It is based on qualifications.

Alderman Shea stated some people that I speak to who are a certain age reason that when they reach 80 or whatever that magic age may be...

Mr. Tellier interjected they don't pay taxes anymore. The reason that was assumed or the reason that a perception was garnered from that was because at \$107,000 for the average if you had a \$90,000 exemption a significant majority of elderly people's homes were valued under \$90,000 hence they didn't pay any taxes. That is what precipitated that thought but the fact is that they have to qualify and it is not only based on age.

Alderman Shea asked so when they are 80 how much do they have to have in assets.

Mr. Tellier answered that is listed on the first sheet.

Chairman Gatsas asked the statute that you are talking about, there is nothing in there that says that we as a City can't change that to a better financial position. We just can't go below that.

Mr. Tellier answered that is right.

Chairman Gatsas stated so in other words if we said we want to reduce this to somebody 35 years old...

Mr. Tellier interjected no. The age stipulations are specific in the statute. It is 65 to 74, 74 to 79 and 80+.

Chairman Gatsas stated but there is nothing in the exemption value of the statute that we couldn't change. In other words we could change the exemption value from \$70,000 as you have in Scenario 1 to \$170,000.

Mr. Tellier replied that is absolutely correct.

Chairman Gatsas stated so there is no exemption value change if we said that regardless of your asset level, if we wanted to start at 75 and said that everybody at 75 years of age would get a \$20,000 exemption and you would pick up \$20,000 a year regardless of your asset exemption up to age 80 and at age 80 you would pick up \$120,000 regardless of your asset level. Maybe we need to tie that to a minimum number of years living in Manchester but somebody living in Manchester at age 80, just because they have \$65,000 in the bank shouldn't be voided of a tax value exemption. I don't think that that is what we should be looking at. I certainly believe that there should be something, which would give that person over age 80 regardless of their income that they would have a \$120,000 exemption.

Mr. Tellier replied well the asset limits would have to be equitably applied.

Chairman Gatsas responded no. The asset limit would be eliminated. At age 75 we would automatically give you a \$20,000 exemption, however, if you still fall under the asset limits, which would entitle you to \$70,000 or \$95,000, you would pick that up. In other words, let's take Alderman Shea and Alderman Lopez. Alderman Shea has an asset limit of \$50,000 and Alderman Lopez has \$100,000.

Alderman Shea would be able to pick up his \$70,000 exemption and Alderman Lopez would get \$20,000 automatically because he is 75. At age 76, Alderman Lopez would pick up another \$20,000 to get him to \$40,000 so that the criteria by the time you get to age 80, whether you have the exemption or not, at age 80 everybody gets \$120,000 regardless of the asset value.

Mr. Tellier stated I believe and I can't state with 100% certainty, but I believe that the asset issue has to be equitably applied through all the tiers and that it can't change from one tier to another.

Chairman Gatsas replied so that means we would have to start at age 65.

Mr. Tellier responded that is correct, I believe.

Chairman Gatsas asked can you get me a copy of that RSA because I don't think that is true.

Mr. Tellier answered I will follow up on that tomorrow.

Alderman Lopez asked, Steve, to qualify you must be 65 years of age on April 1, a resident of New Hampshire for five years and must reside at the property where the exemption is claimed. Is that under the State statute? Is that the first criteria before the local body makes any changes whatsoever?

Mr. Tellier answered they have to be a resident of New Hampshire for five years. that is correct.

Alderman Lopez asked do you know whether the State statute indicates 65 to 74, 75 to 79 and 80 or is that something that is done locally.

Mr. Tellier answered that is statutory. The age tiers are statutory.

Alderman Lopez stated so those two criteria are by statute and all of the other things in between are up to this body.

Mr. Tellier replied it is optional adjusted by the community.

Chairman Gatsas stated I would entertain a motion from somebody that we take a look at raising the asset limit from \$50,000 to \$75,000 and take a look at age 75 to 80 that regardless of the asset limit you automatically get \$20,000 on a incremental basis to age 80 where you would get the \$120,000 regardless of your assets. That way, everybody is on the same tier.

Mr. Tellier replied could you explain it a little bit better because I am confused. You were talking about as far as the over 80 the assets would be \$75,000, the income levels would be X...

Chairman Gatsas interjected the income levels that you would have right now would be the same. The asset limit that you have on Page 1 would be raised to \$75,000. You would then go from age 75 to 79, which is four years, you would pick up \$80,000 worth of increments. At age 75 you would get \$20,000 and at age 76 you would get \$20,000, etc. However, if you still fall under the \$75,000 threshold and you are 76, you would get the full \$95,000. Do you understand what I am saying?

Mr. Tellier replied yes.

Chairman Gatsas stated however if you are 75 and you have \$150,000 worth of assets and you have been here for five years you would pick up at least \$20,000.

Mr. Tellier replied you would pick up that additional \$20,000...

Chairman Gatsas interjected not additional. You would get \$20,000 if you are 75 irregardless of your income and irregardless of your asset limits.

Mr. Tellier stated you would still have to be equitable between all three tiers as far as what you decide to do with respect to your income and asset limits. I don't believe you can differentiate between the different age brackets and apply different standards.

Chairman Gatsas responded I am not. What I am saying is anybody at age 75, regardless of their income and regardless of their assets would get \$20,000. That would be the minimum threshold.

Mr. Tellier replied I think you still have to have standards. In my understanding of the exemption and the statutory provisions, you still have to have...

Chairman Gatsas interjected why don't we take a look first. So at age 79 you would have \$80,000 of exemption value. With this scenario you would have \$95,000 if you fell under the criteria of the income and the asset value so if you were still within that...let's say the poverty level, you would get \$95,000 instead of \$80,000 so you would get an additional \$15,000. At \$120,000, regardless of what your asset value is and regardless of what your income is, you would get \$120,000 at 80 years old.

Mr. Tellier stated let me get the statutory information to you directly.

Chairman Gatsas replied I am sure we can get those statutes changed.

Alderman Vaillancourt stated that is what I was going to say. I was resisting the urge to be overly generous because of the impact but it seems like the impact isn't very tremendous as you go up here. You project that you are going to go from about \$111 million to \$120 million...

Mr. Tellier interjected no, Alderman. We were going from \$68 million in exemptions right now with the revaluation and increasing these exemptions to...what is used here is \$111 million but you could round up to \$120 million because it is very safe to assume that when you open up the brackets there are going to be more people applying and more people qualifying.

Alderman Vaillancourt replied that was my question. If you open the brackets up even more to \$75,000 do you think that we could assume that we are going to go up only about another \$10 million?

Mr. Tellier responded that has been the hard part for us to estimate from Day 1. I funded, in this projection, I took the amount of people if they were fully utilizing the full exemption and that is what I listed in these amounts. Now there will be people whose assessments are below what they would be granted for their exemption so you are not going to use all of that, but we are also providing that a lot of people...we are making an assumption that a lot more people will qualify so we are rounding up.

Alderman Vaillancourt asked do you have any idea what percentage of people are qualified but don't even know it.

Mr. Tellier answered I don't have that.

Alderman Vaillancourt asked do you think it might be high or low. Just a guess. Do you think it might be like 1 out of 10 people?

Mr. Tellier answered I think it is low at this point because the elderly have good infrastructure out there and support mechanisms. The word gets out and taxpayers out there are becoming much more knowledgeable but there are still very many out there that don't know and there are some who decide not to take a community up on the exemption because of pride. A lot of them have lived through the Depression and have worked very hard and make an assumption that this is charity and we fight that by explaining that it is a statutory provision that they are entitled to.

Chairman Gatsas stated if it increased to \$150 million, the burden that the seniors have carried is certainly worth that.

Mr. Tellier replied at this point with the 5.2 we figured for every \$100 million you are looking at 5 cents on the tax rate. So for \$50 million you are talking about 2.5 cents.

Alderman Vaillancourt asked would this be an administrative nightmare or do you have the computer software that would do it automatically.

Mr. Tellier answered absolutely. Those that enjoy this benefit already won't have to requalify and those who fall into it now...there will be information in the newspaper and bulletins on MCTV once this provision is met. Additionally, anybody who qualifies for this even if this body didn't make the decision by the time the tax bills come out, they have until March 1 of 2002 to qualify for this.

Alderman O'Neil asked do you want to table this item pending getting the updated information. We can't really send this to the Board without the updated information.

Chairman Gatsas answered well let's not table it because we may not see it before the tax bills go out. Why don't we take a look at it at least with the motion to move the asset limit to \$75,000 and look at a \$20,000 reduction per year for four years between age 76 and 80 and then at 80 they get \$120,000 removing those \$20,000 deductions with asset value and also income value so there will be no income or asset limits.

Mr. Tellier stated that would be subject to researching the law.

On motion of Alderman Pariseau, duly seconded by Alderman O'Neil, it was voted to increase the asset limit to \$75,000 and investigate the possibility of providing a \$20,000 a year exemption from age 76 through 80 and then at age 80 having a \$120,000 exemption and no income or asset limits.

Chairman Gatsas addressed Item 11 of the agenda:

Copies of communications from Jacklyn Desfosses and Aldermen Pariseau and Vaillancourt relative to concerts at Singer Park.

Chairman Gatsas noted that this item is being moved under new business.

Chairman Gatsas addressed Item 12 of the agenda:

Report of the Special Committee on the Civic Center advising that it has accepted the Civic Center Parking Committee Report which has referred Exhibit C (Event License Fees and Administration of Peddlers Licenses) to Committee.

Alderman O'Neil asked, Matt, what does this do to events like parades and that.

Deputy Clerk Normand answered it doesn't affect parades. If they pull a fair permit and there is an increase in the license fee then obviously that would be passed on to the person who is applying but if it is just a parade, which you and I have discussed in the past...

Alderman O'Neil interjected but this doesn't change what has happened in the past.

Deputy Clerk Normand responded if you are referring to the St. Patrick's Day Parade, that organization pulled a fair permit.

Alderman O'Neil asked and that doesn't change. The fee will go up but it doesn't change what happens in regards to the vendor.

Deputy Clerk Normand answered correct.

Alderman O'Neil asked they could still vend at a parade whether it was St. Patrick's Day or whatever.

Deputy Clerk Normand answered I guess I misunderstood. When there is a street closure in the City, that essentially voids the licenses for that day so the parade committee or the parade would have precedence over what happens on that street.

Alderman O'Neil stated my question is could somebody with proper approval from whatever the organization is who pulled the fair license have a stand at Auburn and Elm.

Deputy Clerk Normand replied yes.

Alderman Pariseau moved to accept the report. Alderman Thibault duly seconded the motion.

Alderman O'Neil stated nice job by the City Clerk.

Mr. Tellier stated I just want to bring to your attention that the blind exemption will have to be raised to.

Chairman Gatsas replied that is fine.

Deputy Clerk Normand stated there were some issues in the licensing fees that had not been set and that is in the package on the civic center. In other words, there were some recommendations to increase fees and those have not been...there was no set number. If you look at Item 12...

Chairman Gatsas interjected the only one that I think you have a question on is the one that says peddler's license from \$250 to \$400. What does the Committee suggest?

Deputy Clerk Normand stated that is an annual permit.

Alderman Thibault asked did we also set a perimeter as to how close to the civic center these vendors can be.

Deputy Clerk Normand answered the perimeter is already set by ordinance and this would allow a zone within that perimeter.

Alderman Thibault asked could you give me an idea of that perimeter.

Deputy Clerk Normand showed the Committee the map of the civic center and the surrounding area.

Alderman Hirschmann asked why does it go so far south.

Deputy Clerk Normand answered per ordinance it has to be 1,000 feet and that would bring you right here at the Valley Street Cemetery.

Alderman Hirschmann stated I was thinking that the peddlers should be similar to the fairs and circus carnivals at \$300.

Alderman Pariseau replied but this is for a year and they are there every day.

Chairman Gatsas stated fairs and circuses are a one-time thing.

Alderman Hirschmann asked they are not annual.

Deputy Clerk Normand answered no.

Alderman Pariseau moved to set the peddler's license fee for the civic center to \$400. Alderman Thibault duly seconded the motion.

Chairman Gatsas called for a vote on the motion. There being none opposed, the motion carried.

Chairman Gatsas addressed Item 13 of the agenda:

Communication from Deputy Clerk Normand relative to full-size taxicabs.

Alderman Pariseau stated I think we should leave things the way they are.

Chairman Gatsas asked, Alderman O'Neil, where are you at because I know you led the charge on this.

Alderman O'Neil answered I think what we have been doing is fine. I think once we open the door here we are going to end up with...

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to receive and file.

Chairman Gatsas addressed Item 3 of the agenda:

Appeals of the denial of taxi driver's license applications.

On motion of Alderman Thibault, duly seconded by Alderman Pariseau, it was voted to enter non-public session under the provisions of RSA 91-A:3 II(c) to discuss the denial of two (2) taxi driver's license applications. A roll call vote was taken. Everyone present voted yea and the motion carried.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to return to non-public session.

Non-public session ensued with Mr. Dunn and Mr. St. Onge, the operators who were brought in individually; Mr. Normand, Deputy Clerk of Licensing and Facilities; Lt. James Winn; committee members and the Clerk present. The reasons for the denials were discussed by Mr. Normand. All three operators presented their comments.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to approve the taxi license application for Mr. Dunn under the condition that he not receive any violations for a year.

Alderman Pariseau moved to approve the taxi license application for Mr. St. Onge under the condition that he not receive any violations for a year. Alderman

Thibault duly seconded the motion. Chairman Gatsas called for a vote. The motion carried with Alderman Hirschmann abstaining.

Chairman Gatsas recessed the meeting.

Chairman Gatsas called the meeting back to order.

The Clerk called the roll. All members were present.

Chairman Gatsas addressed Item 11 of the agenda:

Copies of communications from Jacklyn Desfosses and Aldermen Pariseau and Vaillancourt relative to concerts at Singer Park.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to move this under new business.

#### **TABLED ITEM**

14. Communication from Alderman Levasseur seeking a change in the City's Ordinances relative to raising the penalties/citations issued to those in violation of Section 150.060 Sanitation.  
(Tabled 04/23/01 pending various departmental recommendations.)

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to remove this item from the table.

Alderman Levasseur asked do you guys want to go up on the fines. I know this was a request from the Building Department.

Chairman Gatsas asked can we send this back to Highway for their fine recommendations.

Alderman O'Neil asked wasn't Highway involved in this.

Alderman Pariseau moved to approve the recommendations from the departments. Alderman Thibault duly seconded the motion.

Alderman O'Neil stated my only concern is it says the department heads and/or their employees designated. Is this process...I didn't see a major change there. Is this going to make it easier for the people in the field to issue the citations?

Mr. Tim Clougherty replied yes. It won't impair their ability to issue them when necessary.

Chairman Gatsas called for a vote on the motion. There being none opposed, the motion carried.

### **NEW BUSINESS**

Deputy Clerk Normand noted there is an item regarding the concerts that was presented to our office late Friday afternoon and I will pass that out.

Chairman Gatsas stated we can take a few minutes to read this because I haven't seen it.

Alderman Pariseau moved to hold the appeal hearing on Tuesday, August 28.

Chairman Gatsas stated I am not going to be here and Alderman Thibault won't be here.

Alderman Levasseur asked is there any reason you can't do it today.

Chairman Gatsas asked what time is good, 4:30 PM.

Alderman Hirschmann asked can you do it at 5 PM because the parking lot out there doesn't empty out at 4:30 PM.

Chairman Gatsas stated sure we will do it at 5:30 PM.

Alderman Pariseau asked can I request that the Committee receive the information that Chief Driscoll put together. I don't mean the letter that we all got.

Deputy Clerk Normand informed the Committee that Tuesday was not available.

Chairman Gatsas stated then we will hold it on Monday, August 27.

Deputy Clerk Normand stated there is a Lands & Buildings meeting at 6 PM on Monday.

Chairman Gatsas stated I guess we will have to do it at 4:30 PM. Maybe Alderman Cashin could rearrange the Lands & Buildings meeting and we can have ours at 5:30 PM.

Deputy Clerk Normand replied it is a public hearing for the rezoning issues on Monday at 6 PM. There is nothing at 4:30 PM.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to hear the appeal of the concert permit on Monday, August 27 at 4:30 PM in the Aldermanic Chambers.

Alderman Thibault asked could I express my views about these concerts.

Chairman Gatsas answered I don't think you can. Absolutely not.

Alderman Thibault asked why not.

Chairman Gatsas stated I don't think we can discuss it until after we hear the information.

Alderman Thibault asked may I send a letter to the Committee.

Chairman Gatsas answered you certainly may.

Alderman Hirschmann stated we are going to hear an appeal on August 27 so can we hear the grounds for denial today.

Chairman Gatsas replied I think we are going to get all of the written documentation for that on August 27.

Alderman Pariseau asked can we get it before August 27.

Chairman Gatsas answered we should be able to. Chief Driscoll can we get a written response or the chronological order of denial reasons or RSA's that you based your denial on so that we can view them.

Chief Driscoll replied I am not sure specifically what you are asking for. Are you asking for a copy of the business license ordinances?

Alderman Pariseau stated I want to see what information you have to deny the permit.

Chief Driscoll replied I would present that at the time of the hearing, Sir.

Alderman Pariseau asked you don't have it in writing.

Chief Driscoll answered no.

Alderman Vaillancourt asked is it my understanding that you are going to discuss just this one particular issue or are you going to discuss the overall issue of concerts and noise in general in which case I would ask that the City Solicitor get together some sample noise ordinances that are in effect around the country. I know there is a group in Montpelier, VT that has a website with this kind of information.

Chairman Gatsas replied I think what we are doing is looking at two different issues. One is specifically the denial of the concert license and then at the last meeting of the Board the issue of noise ordinances and drinking was referred to this Committee. I think that those are on two different elements.

Alderman Vaillancourt asked when are you going to hear that other element.

Chairman Gatsas answered it wasn't on this agenda.

Alderman Vaillancourt stated I think it was that item that said referral of Alderman Pariseau and Alderman Vaillancourt's letters.

Chairman Gatsas asked did your letter specifically...

Alderman Vaillancourt interjected yes. In fact, I enclosed a letter to *the Union Leader* in which someone suggested that the decibel level be set at 105.

Chairman Gatsas replied I apologize. We referred that under new business so it will come up at next Monday's meeting.

Alderman Vaillancourt stated that is the question I had then. Would the City Solicitor have available some noise ordinances that are possible and enforceable?

Deputy Solicitor Arnold replied certainly. The only thing I would advise the committee on is obviously you have a pending appeal of a decision and you should treat those two matters separately.

On motion of Alderman Thibault, duly seconded by Alderman Pariseau, it was voted to enter non-public session under the provisions of RSA 91-A:3 II(c) to discuss the denial of a taxi driver's license application. A roll call vote was taken. Everyone present voted yea and the motion carried.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to return to public session.

Non-public session ensued with Ms. Hingston, the operator; Mr. Normand, Deputy Clerk of Licensing and Facilities; committee members and the Clerk present. The reasons for the denial were discussed by Mr. Normand. Ms. Hingston presented her comments.

Alderman Pariseau moved to approve the taxi license application for Ms. Hingston. Alderman Thibault duly seconded the motion. Chairman Gatsas called for a vote. The motion carried with Alderman Hirschmann being duly recorded in opposition.

There being no further business, on motion of Alderman Pariseau, duly seconded by Alderman O'Neil, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee